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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,359	12/18/2001	Ludwig Ceshkovsky	98109001(US)US DSCO	3953

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DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER

TRAN, THANG V

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/683,359	CESHKOVSKY, LUDWIG	
	Examiner	Art Unit	
	Thang V. Tran	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) 64-78 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 53-63 is/are allowed.
- 6) ☒ Claim(s) 1,5-10,12,14,18-23,26,27,31-36,39-41,45-50,79,80 and 84-89 is/are rejected.
- 7) ☒ Claim(s) 2-4,11,13,15-17,24,25,28-30,37,38,42-44,51,53-63,81-83 and 90 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2653

The amendment dated 09/14/05 has been considered with the following results:

Election/Restrictions

1. Claims 64-78 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/14/04.

Claims Objections

2. Claim 27 is objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 27:

The term "claim 25" should be changed to --claim 26-- and the term "including an" should be replaced with --wherein said--. In other words, claim 27 should depend on claim 26, otherwise, it is unclear how the light source and the sensors recited in this claim relatively operated and structurally connected to the light source and the sensors previously recited in a parent claim 14.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 5-10, 12, 14, 18-23, 26, 27, 31-36, 39-41, 45-50, 52, 79, 80, 84-86, and 87-89 are rejected under 35 U.S.C. 102(e) as being anticipated by Cho (US 6,914,858).

Regarding claim 1, Cho, according to Figs. 3 and 4, discloses an optical pickup apparatus for reading information on a rotating optical medium, comprising: a light source (130) for directing two beams of light onto adjacent locations on a track of the optical medium; first and second optical sensors (see Fig. 3) positioned to detect reflection of the beams of light from a single data element (an information signal component) from the optical medium and to produce a leading electrical signal $S(t)+n'$ and a lagging electrical signal $S(t-\tau)+n$, respectively, wherein the leading electrical signal is delayed by a delay circuit (41) to at least partially coincide with the lagging electrical signal; and wherein the delayed leading electrical signal is combined by adder (45) with the lagging electrical signal to produce a resultant electrical signal in response to the overlap between the delayed leading electrical signal with the lagging electrical signal as recited in this claim.

Regarding claims 5 and 6, see detectors 37 and 39 in Fig. 3 which are interpreted photo sensitive arrays comprising photodiodes.

Regarding claim 7, see column 4, lines 13-17.

Regarding claim 8, see delay circuit 41.

Regarding claims 9, 10 and 12, see column 4, lines 13-17 and since the amount of delay is bases on input corresponding to the distance between the two beam spots and velocity of the medium, the amount of temporal shift (delay) created by the electronic delay circuit (41) must be variable due to the change of the distance or the velocity.

Regarding claim 14, see the rejection applied to claim 1 above.

Regarding claims 18 and 19, see detectors 37 and 39 in Fig. 3 which are interpreted photo sensitive arrays comprising photodiodes.

Regarding claims 20-23, see column 4, lines 13-17 and since the amount of delay is based on input corresponding to the distance between the two beam spots and velocity of the medium, the amount of temporal shift(delay) created by the electronic delay circuit (41) must be variable due to the change of the distance or the velocity.

Regarding claims 26 and 27, see the rejection applied to claim 1 above.

Regarding claims 31 and 32, see detectors 37 and 39 in Fig. 3 which are interpreted photo sensitive arrays comprising photodiodes.

Regarding claims 33-36 and 39, see column 4, lines 13-17 and since the amount of delay is based on input corresponding to the distance between the two beam spots and velocity of the medium, the amount of temporal shift(delay) created by the electronic delay circuit (41) must be variable due to the change of the distance or the velocity.

Regarding claim 40, see adder 45 in Fig. 3.

Regarding claim 41, see the rejection applied to claim 1 above.

Regarding claims 45 and 46, see detectors 37 and 39 in Fig. 3 which are interpreted photo sensitive arrays comprising photodiodes.

Regarding claims 47-50 and 52, see column 4, lines 13-17 and since the amount of delay is based on input corresponding to the distance between the two beam spots and velocity of the medium, the amount of temporal shift (delay) created by the electronic delay circuit (41) must be variable due to the change of the distance or the velocity.

Regarding claims 79 and 80, see the rejection applied to claim 1 above.

Regarding claims 84-86, see detectors 37 and 39 in Fig. 3 which are interpreted photo sensitive arrays comprising photodiodes.

Regarding claims 87-89, see column 4, lines 13-17 and since the amount of delay is bases on input corresponding to the distance between the two beam spots and velocity of the medium, the amount of temporal shift (delay) created by the electronic delay circuit (41) must be variable due to the change of the distance or the velocity.

Allowable Subject Matter

5. Claims 53-63 are allowed.
6. Claims 2-4, 11, 13, 15-17, 24, 25, 28-30, 37, 38, 42-44, 51, 81-83 and 90 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 2-4, 11, 13, 15-17, 24, 25, 28-30, 37, 38, 42-44, 51, 53-63, 81-83 and 90 are allowable over the prior art of record because the prior art of record, considered in combination or individually, fails to suggest or fairly teach an optical pickup or method for reading information on a rotating optical medium including a combination of all limitations as particularly recited in each of the above claims.

Cited References

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to an optical apparatus having two light spots focused on a same track and a delay circuit for delaying one of two output signals detected by at least two detectors and a combination circuit for combining the delayed signal with another signal of the two output signals.

Response to Arguments

9. Applicant's arguments with respect to claimed invention have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thang V. Tran
Primary Examiner
Art Unit 2653